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GRAND JURY MUST ACT OR BE DISCHARGED

Judge Gear Charges
Jurors to Prod
E. P. Dole.

ATTORNEY GENERAL TEMPORIZING

RELYING ON SUPREME COURT
TO DISPOSE OF CASES RE-
OPENED BY GEAR.

Grand Jury Instructed to Ascertain
From Dole Whether He Intends to
Bring Habeas Corpus Cases Be-
fore That Body.

The members of the grand jury were called before Judge Gear early yesterday afternoon and instructed to ascertain from Attorney General E. P. Dole whether he intended to bring the recent habeas corpus case before the grand jury or whether he was relying on his appeals to the Supreme Court to hang up the decision of the lower court and dispose of the different cases reopened by the recent decision of Judge Gear.

Judge Gear said that the grand jury had been summoned for an express purpose. That purpose was the consideration of the habeas corpus cases. Now, the grand jury had met but the Court had been given to understand from the Attorney General's office that the habeas corpus matters had not been brought before the grand jury by the Attorney General.

Attorney Cathcart explained to the Court that the grand jury was looking into other matters, that it was examining cases which had come up from the district court, cases of petty larceny and so forth. These cases had to be attended to and the grand jury was at present dealing with these minor cases, excepting to handle the habeas corpus cases later. That seemed to be the understanding.

Judge Gear could not see why it was that men who had been convicted of serious crimes and who had been imprisoned illegally, against the Constitution of the United States, should be compelled to languish in the penitentiary when they had a right to their freedom unless they were indicted by the grand jury, while cases of petty larceny of recent occurrence took precedence in the investigations of the grand jury. The petty larceny cases were of minor importance. The all important cases to consider which the grand jury had been summoned were those which meant the liberation of men who were imprisoned unjustly or the finding by the grand jury of true bills against them.

If the habeas corpus cases, said Judge Gear, were not going to be brought before the grand jury then the grand jury might just as well be discharged as it was not accomplishing the object for which it had been called. It must do one of two things. It must find true bills in the habeas corpus cases or else it must find no bills. If the grand jury was not going to consider the habeas corpus cases then the Court would have to think of discharging the jury.

Attorney Cathcart intimated that perhaps there would be some difficulty in discharging the grand jury. That, inasmuch as the jury had been called, it was not such an easy matter to discharge it.

Judge Gear set Cathcart right on this score by stating that it was entirely within the powers of the Court to discharge the jury if it saw fit.

Judge Gear went on to impress upon the members of the grand jury that it was their duty to immediately ascertain from the Attorney General whether he was going to bring the recent habeas corpus cases before that body. He intimated that the Attorney General was acting in rather a peculiar manner in the matter and that it seemed to be his intention to hang up the decision of the court in regard to the habeas corpus cases. The Attorney General had appealed to the Supreme Court of the Territory from the decision of the lower court in the Goto case and similar cases and seemed to be waiting for the action of the Supreme Court in the matter. The Attorney General was evidently putting off the bringing of the cases before the grand jury in the hope that the

cases would be disposed of by his appeals to the Supreme Court.

In the first place the action of the Attorney General in appealing was extraordinary and now it seemed that the object for which the grand jury was called was about to be defeated on account of the Attorney General delaying in the matter of bringing the habeas corpus cases before that body.

There was no use in delaying the matter. If the Attorney General was in a hurry to get away on his vacation, the Court understood that the Attorney General was going away to be married. It would be wise for Mr. Dole not to delay any longer in presenting the cases to the jury.

Judge Gear went on, at length, to refer to the "beating around the bush" methods of the Attorney General and the evident desire on the part of Mr. Dole to hang up the decision of the Court, though, at the same time, it was very doubtful if the Court's decision was hung up in any way.

Judge Gear stated that he would not hold the grand jury waiting on the Supreme Court. If Attorney General Dole did not act he would discharge the jury.

"I hope the Court won't discharge the grand jury," said Attorney Cathcart.

"Well, it may," answered the Court. Judge Gear went on to say that Attorney General Dole was doing everything in his power to get around the decree of the Court. In the first place the Attorney General had declared that he did not want the grand jury called until after the Supreme Court had convened.

The Court stated that it would take no part in the attempt of the Attorney General to have these habeas corpus cases hang on the decision of the Supreme Court.

The grand jury was instructed to find out from Dole what he was going to do in the matter. Unless, reiterated the Court, the habeas corpus cases were brought before the grand jury the Court would in all probability discharge that body.

There had been rumors in the corridors of the court in the morning that Judge Gear would probably discharge the grand jury. As a result there were a number of interested spectators present in the court room when the judge delivered his charge to the jury in the afternoon.

There was considerable talk in the lobbies about the matter.

"It seems that the Attorney General is between the horns of a dilemma," said an attorney, "he is certainly making an exhibition of himself. I would like to get his opinion on the Constitution of the United States. I wonder if he ever read it. What is he trying to do, anyway?"

"But Judge Gear can't discharge the grand jury," said another.

"What's that? Well, you just wait and see," answered the other.

When the trial jury was called in Judge Gear's court yesterday morning trial jurors S. M. Damon, P. C. Jones and John S. Walker were absent. Judge Gear said that inasmuch as it was the first time that the trial jury had been called for 9:30 o'clock there was possibly some misunderstanding as to the time. If the missing jurors were not present at 10 o'clock bench warrants would be issued. Walker and Damon arrived at 10 o'clock, explaining that they had understood that 10 o'clock was the time at which they should put in an appearance. No bench warrant was issued for Jones, as it was found that he had been excused until Monday.

It was brought to the knowledge of the Court that the grand jury room had been left open, private papers of the jury being left on the tables and the door being found wide open yesterday morning. The Court ordered that Bailiff Ney take charge of all the keys of the room and keep them.

Atlantic Traffic Dull.

NEW YORK, August 1.—As a result of the decrease in the ocean freights from Montreal to Glasgow, London and Liverpool, many vessels are leaving the St. Lawrence light according to a special from Montreal to the Times. The dullness is attributed to the effect of the drought in the west and the advance in the price of corn which causes the English buyers to hold off for a break in prices.

Royal Visit to Ireland.

LONDON, August 1.—It is believed that the King and Queen will visit Ireland next April and will probably open the international exhibition which is being organized in Cork. The King has already paid six or seven visits to Ireland. He first went there with his parents in 1849 and his last visit was in 1895.

"THE UNKNOWN HAND" AGAIN RESPONSIBLE

Coroner's Jury Did Not
Find Slayer of
Tono.

JUVENILE SCRAP CAUSES MURDER

NAKAMURA DENIES ALLEGATION
THAT HE STRUCK THE
WOMAN.

Matsuoji Lad Again Points Out Naka-
mura as the Man Who Felled His
Mother—Jury All at Sea Over the
Mass of Incongruities.

"We the coroner's jury empanelled to ascertain the cause of death of Tono, the Japanese female, find that the woman came to her death at Honolulu, Oahu, on the 5th day of August, 1901, from hemorrhage of the brain caused by a blow inflicted by the hand of a person to this jury unknown."

Signed by G. Macy, A. Lucas, J. Shaw, A. Buchanan, C. H. Fox and J. J. McDonald, jurors.

Such was the verdict rendered by the coroner's jury assembled in the office of Coroner Chillingworth yesterday afternoon, after two days' deliberation and examination of many witnesses.

This verdict practically gave a clearance to a Japanese named Nakamura who was charged at Tuesday's session of the jury by the little ten-year-old son of the dead woman with striking his mother several blows on the head. While the lad made these declarations he contradicted himself on several occasions, in one or two instances stating that Nakamura never went inside the door of the apartment of the dead woman, but remained at the doorway and there carried on the conversation with the deceased which is believed to have been her last.

From the gist of testimony submitted yesterday, there seemed to have been a severe rupture in the relations between the families of Nakamura and Matsuoji, the husband of the deceased Tono. Both were the parents of children. The day previous to the strange death of the woman, the children had indulged in a neighborhood scrap. Matsuoji's boy had sailed into the Nakamura heir apparent, and evidently received the worst of the deal. Matsuoji appeared upon the scene and thereupon administered a severe chastisement to the Nakamura lad. This was reported to headquarters and Nakamura visited the abode of Matsuoji, but the lord of the household was away. He then had words with Tono, the wife now deceased. The Matsuoji lad claimed Nakamura struck his mother. Nakamura denied the charge in toto before the coroner and the jury. Other witnesses who were located near by stated that they heard Nakamura talking to the woman but did not see him enter the room at any time, declaring he stood in the door while the woman was standing some seven feet away in one corner of the room.

Chester Doyle, the officer, stated that in a talk with the Matsuoji lad on the evening of Tono's death the boy claimed that he had never seen anyone strike his mother a blow.

The lad was called again and he stoutly maintained that he saw Nakamura strike at his mother.

A Japanese named Honda was present at the time Doyle interrogated the lad, and he corroborated the officer's testimony.

T. Achigachuma claimed to have been standing near Nakamura during his parley with Tono. He stated that the woman was seven feet away from the man throughout the entire controversy. He did not see a blow struck. The witness was in the room five minutes before the woman fell dead.

Nakamura testified to the trouble between his children and those of Matsuoji. When his boy reported that he had been beaten by the husband of Tono, he went to their rooms to see what the trouble was all about. He remonstrated with the woman, but never entered the room. He denied having any implement whatsoever in his hand. He claimed not to have dis-

played any temper in discussing the matter. Denied having a slingshot or sandbag concealed about his person.

After a severe cross fire of questions from the jurors Nakamura was released from the inquisitorial examination. The six men selected to investigate the probable cause of death were not a great deal wiser after the two days' session than they were before coming together. That the woman died from the result of a blow seems the only logical conclusion. Who struck the fatal blow, was a question to which not one of the six men could offer a plausible answer.

Will further investigation be made, or will the death of the Japanese woman Tono become enveloped in deep, dark and mysterious oblivion? Time alone will tell.

Incendiarism Suspected.

NEW YORK, August 1.—What is believed to have been an attempt to set fire to the new docks of the North German Lloyd line in Hoboken was reported to the police last night. A night watchman found a pile of papers burning beside the old house of the line in time to save a conflagration. A strike of the dock builders has been going on for the last ten days.

RIDICULES THE IDEA OF STATEHOOD FOR HAWAII

HOW THE EASTERN PRESS LOOKS
UPON THIS INSULAR
TERRITORY.

The Washington Post Doubts if State-
hood Will Ever Be Extended to
Any of the Insular Possessions—
Local Self-Government.

[From a Staff Correspondent.]
WASHINGTON, July 25.—The statement by Delegate Wilcox that, immediately upon the assembling of Congress he will introduce a bill providing statehood for Hawaii, has been greeted with jeers all over the country. Most of the editorials that have been printed upon the subject reject the idea on account of the political foolishness that has gone on in Hawaii under the Dole administration since annexation. With that record behind it Hawaii cannot hope for statehood.

One of the latest editorials printed was in the Washington Post. It is as follows:

"In advocating Statehood for Hawaii, Delegate Wilcox has entered upon a task the completion of which he will not live to see. It may be doubted if the grandchild of any man now living will see a star on our flag standing for the State of Hawaii."

"It will be the inestimable privilege of Hawaii to occupy the relation of ward to this government under the most liberal laws, but she will not soon be a member of the family of States, helping to make laws for all the people of this republic. She may take part in the nomination of Presidential candidates, if party committees see fit to continue the existing custom; but she will take no part in electing Presidents. She may again give the deciding vote on forcing a dead and malodorous issue into a party platform—as she did at Kansas City last July—but she will have no vote in dictating national policies. Her people have and will probably be permitted to retain self-government to the same extent as the inhabitants of our continental Territories—New Mexico, Arizona and Oklahoma—and it is earnestly hoped that they will exhibit a better capacity for government themselves than they have shown thus far."

"If Delegate Wilcox had studied the history of New Mexico and Nevada, he might have been less premature in shouting for Hawaiian Statehood. New Mexico has been asking for admission for scores of years; has been a part of our continental domain for more than half a century. Nevada, rushed into the family in unseemly haste, has 'dwindled, peaked, and pined,' until all the States would be glad to relegate her to a Territorial position if that were possible. But a Territory once admitted stays in, there being no way to put out a sovereign State. And the smallest State is the peer of the largest in the Senate."

"It is doubtful if we ever admit an insular State. It is certain that Hawaii will not be the peer of New York in our Senate for a long, long time. Meanwhile, let us hope that for such blessings as she has received and will continue to receive the Lord will make her duly thankful!"

PORTO RICO LIKELY TO PROSPER GREATLY

Its Sugar Crop Will
Probably Double
Next Year.

GREAT FUTURE FOR ITS TOBACCO

CUBA EXPECTS TREATMENT AS
VIRTUALLY AN AMERICAN
PROTECTORATE.

Splendid Chance For American Cap-
ital in West Indian Fields Opened
by War with Spain—Cuba Always
Under American Influence.

NEW YORK, Aug. 1.—L. V. De Abad, commissioner for the Economic Association of Cuba, who is now in this city, in an interview said: "I believe that it is necessary to modify in a more liberal way the customs relations between the United States and Cuba, for political as well as economical reasons. Cuba has always been under the influence of this country and now, as a consequence of the war with Spain, she is so by right. Today she is, in reality, a country under the American protectorate; tomorrow she may be a part of the Union. The American people, by helping the Cuba revolution, have bound themselves to keep order in the island. The welfare of the country must be fostered. It will be a better policy and a cheaper one, to give Cuba the means of selling its sugar than to send there men-of-war and soldiers to put down anarchy."

"Here the people continue to treat Cuba as though she were not a country protected by this republic. Americans undertake business in Cuba with the same feeling as though they were doing it in a foreign country and this is because the products of the island do not receive here any special or permanent advantage. If Cuban sugar were admitted here free of duty or with a light, almost nominal duty some Americans would go there and produce sugar, while others would boom the great refining industry already existing there. Thus the island should form a part of the economic system of the United States. Once this country had got hold of the Cuban sugar and tobacco, its situation in the world's markets would be much more important than it is today."

NEW YORK, August 1.—A dispatch to the Herald from Havana says: The minimum time in which the new government can be established under the law is four months. The electoral bill provides guarantees for all citizens, native born and naturalized alike, no discrimination being made.

NEW YORK, August 1.—According to the Havana correspondent of the Herald, members of the Merchants' Union will start an active campaign with the view of convincing the Washington authorities of the industrial needs of Cuba and that there need be no alarm on the part of American sugar and tobacco growers because of the proposed concessions on the Cuban products.

CUBA WANTS TREATMENT AS A WARD OF AMERICA

NEW YORK, August 1.—Commenting upon the debate in the House of Commons upon the proposition to grant Lord Roberts £100,000, the London correspondent of the Tribune says:

Mr. Balfour in moving the grant told in simple language how critical was the situation after the defeat at Colenso and Magerfontein and explained the boldness and originality of the strategy by which Lord Roberts relieved Kimberley and Ladysmith and entered Bloemfontein after a perilous and exhausting march across a barren country. He paid also an eloquent tribute to the intuition, genius and cheerful courage which enabled Roberts to press on to Pretoria with half his force and three and a half days' supplies, when his hesitation would have involved a protracted siege. No other Englishman has been equally candid in admitting the deplorable and ruinous consequences

from which the British Empire was delivered by the genius and courage of General Roberts.

The speech made so profound an impression on the Commons that the objections raised by Mr. Dillon and a few of the Radical members were heard with impatience and irritation. Sir Henry Campbell-Bannerman was patriotic enough to second Mr. Balfour's proposal with genuine Scotch sincerity. Lord Roberts' popularity has been waning under the unceasing pressure of pessimism which has accompanied the protracted guerrilla operations and the acrid criticism that he abandoned the field without bringing the war to an end. Mr. Balfour's eloquence will restore his pre-eminence as the greatest living soldier.

NEW YORK, August 1.—Lord Milner was present in the House of Commons yesterday during the debate, says the London correspondent of the Tribune. He managed to escape general attention as he occupied a seat in the gallery under the clock on the ministerial side of the House. Had he chosen to sit in the peers' gallery he would have been certain to attract attention from the Nationalists who would probably have taken advantage of his presence to express their opinion of his South African policy with their usual engaging frankness.

LORD ROBERTS GLORIFIED BY BALFOUR'S ELOQUENCE

Powerful Speech That Caused Impar-
tience and Irritation with Rad-
icals and Irish Nationalists.

NEW YORK, August 1.—Frederick I. Cornwell, the only American holding an elective office in Porto Rico, is in the city with a party of Porto Rican merchants and financiers. Mr. Cornwell is a young Missourian. He has been elected to the lower branch of the Porto Rican Legislature, which is composed of thirty-five members, and he is chairman of the judiciary committee. He is a member of the law firm of Horton & Cornwell of San Juan, and Mayaguez.

One of the men in the party with Mr. Cornwell is J. C. Charpentier, president of the French Railway in Porto Rico. Mr. Charpentier is here to consult with the Havemeyers relative to the establishment of a great central sugar factory near Arecibo.

"This year," said Mr. Cornwell, "the sugar crop was worth \$5,000,000. Last year it amounted to only \$5,000,000. Next year it will probably be worth \$12,000,000."

"There is no money on the island. The circulation is only \$1.75 per capita. There is great want as Porto Rico has not yet recovered from the terrific cyclone. It destroyed fully one-half the coffee plantations. This year he will have a sixty per cent coffee crop."

"Tobacco growers have not been encouraged since the American occupation. They turn out cigars there for \$6 a hundred that can't be equalled here for \$12. When the business is properly pushed the Porto Rican cigar will crowd the Havana out of the market here."

"We have 350 public schools now in operation and the children are being taught English as well as Spanish. Few Porto Ricans speak English. In the lower branch of the Legislature all the debates are in Spanish."

"There are fewer Americans on the island than there were a year ago, but all decent Americans who went there with capital have done well."

A Distinguished Priest.

NEW YORK, Aug. 1.—Mons. Giovanni Battista, Scalabrino, Bishop of Piacenza, Italy, is expected to arrive in New York tomorrow from Genoa. The founder of Immigrant Missions which he has successfully conducted since 1878, is one of the most noted priests in the Italian church. Mons. Scalabrino will make a tour of the United States for the purpose of collecting funds with which to carry on his missionary work.

The Plumbing Inspection.

E. G. Keen, plumbing inspector, reports the following work for the latter half of July.

Number of plans filed, 67; permits issued, 67; inspections of plumbing and house sewers, 294; final certificates, 54; sewer connections, 38. Also the following totals for the month: Number of plans filed, 116; permits issued, 116; inspections of plumbing and house sewers, 568; final certificates, 97; sewer connections, 80.

BEATING THE BOERS DOWN GRADUALLY

An All-Day Fight In
Which the British
Nearly Failed.

GENERAL KITCHENER'S HOT CHASE

LORD MILNER WILL PLAY LIVE
INDUSTRY AGAINST THE
WAR DEVIL.

The Johannesburg Mines to Be Re-
opened as a Foil to Belligerent
Proclivities—Believed the Boers
Will Settle Down to Work.

NEW YORK, August 1.—The Military situation is slowly but surely improving for British clearance operations, says the London correspondent of the Tribune. Various columns are emptying one district after another and the Boer bands are now decimated by the slaughter and capture of stragglers. It is estimated that the British are feeding 32,000 prisoners and nearly 30,000 refugees.

All-Day Fight.

DURBAN (Natal), July 30.—Details received here of what seemed at first to be a skirmish between the Boers and a British column near Nqutha July 28th show that an all-day fight occurred, in which the British narrowly escaped the loss of a gun of the Sixty-seventh Field Battery. Four hundred Boers repeatedly rushed the British position, killing Major Edwards and Gunner Carpenter. The gun was limbered up and taken at a gallop for three miles under a heavy fire. Five British were killed.

LONDON, July 30.—The War Office has received the following dispatch from Lord Kitchener: "General Kitchener, after a long chase of Viljoen's commando, caught up with it. A sharp fight ensued. We captured a pom-pom and twenty-two wagons and took twenty-three prisoners. The British had five wounded."

Will Reopen Johannesburg Mines.

NEW YORK, July 30.—There is a general agreement among those who came recently from South Africa that there will be a change of policy as soon as Lord Milner returns and confers with Lord Kitchener, says the London correspondent of the Tribune. This change will be effected by the Johannesburg mines. Dr. Jameson considers that a mistake has been made in keeping the miners out of Johannesburg, and that this will be rectified as soon as Lord Milner reaches South Africa. He asserts that the true policy is to concentrate an adequate garrison there and facilitate in every possible way the return of the mining population and the transportation of supplies needed for it. When the way has been opened for the resumption of ordinary mining operations in that quarter the Boers will begin to settle down and carry their farm produce into market.

If shooting goes on for a while in the Eastern or Western Transvaal or in the Orange River Colony, it will not offset the moral effect of the resumption of business in the chief mining center. Johannesburg will again be fully populated and employed, and this will be practical evidence that the war has ended and peace been restored. Guerrilla operations will gradually disappear with adequate police work. Dr. Jameson believes that peace in this sense is closed at hand and Lord Milner fully understands the situation. This view is shared by the best informed South Africans here.

Financial Aid for New Colonies.

LONDON, July 30.—The supplemental civil service estimates ask for £1,131,910, of which £2,500,000 is required by the Colonial Office as a grant in aid of the Transvaal and Orange River colonies. Three millions of this will be considered an advance to the colonies, to be repaid out of the first loans issued by them.

Train robbers help up a passenger train on the Baltimore and Ohio railroad, thirty miles out from Chicago, July 31. The daring attempt to get at the treasure in the express cars was not successful.